

RESPONSE UNDER  
37 C.F.R. §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 1617

Docket No. 44657-AAA-PCT-US/JPW/GJG/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph R. Berger

Serial No.: 10/052,961                      Group Art Unit: 1617

Filed : January 18, 2002              Examiner: S. Wang

Confirmation No.: 3958

Title : A METHOD FOR AMELIORATING MUSCLE WEAKNESS/WASTING  
IN A PATIENT INFECTED WITH HUMAN IMMUNODEFICIENCY  
VIRUS-TYPE 1

30 Rockefeller Plaza, 20<sup>th</sup> Flr.  
New York, New York 10112  
September 27, 2010

BY EFS

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed March 26, 2010 finally rejecting pending claims 88-105 in the above-identified application.

Applicant is concurrently filing a Petition for Three-Month Extension of Time. Accordingly, this Notice of Appeal is being timely filed.

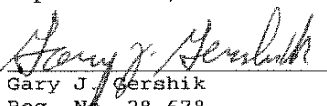
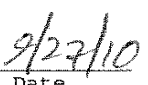
The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is TWO HUNDRED AND SEVENTY DOLLARS (\$270.00), and authorization is hereby given to charge this amount to Deposit Account No. 03-3125.

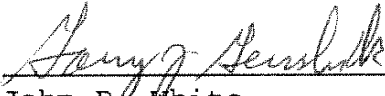
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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee, other than the enclosed \$270.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

<b>Certificate of Transmission</b>	
I hereby certify that this correspondence is being transmitted via the Electronic Filing System (EFS) to the U.S. Patent and Trademark Office on September 27, 2010.	
 Gary J. Gershik Reg. No. 28,678	 Date 9/27/10

  
John P. White  
Registration No. 28,678  
Gary J. Gershik  
Registration No. 39,992  
Attorneys for Applicant  
Cooper & Dunham LLP  
30 Rockefeller Plaza,  
20<sup>th</sup> Flr.  
New York, New York 10112  
(212) 278-0400